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L.W.
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Re: Application 09/536,727
Examiner: Yehdega Retta
Art Unit: 2162

Dear Examiner Retta:

Thank you for the phone appointment regarding claims 2 and 3 of the above-referenced application. Based on our discussion, I hereby cancel claims 2 and 3 and submit claim 4 below. Following the claim, I explain how I think it is distinguished from the prior art.

I claim:

4. a method for enabling an advertiser to pay a set of recipients comprising:

- (a) making an offer that said recipients will be owed an amount of money if they pay attention to a specified ad message, and if they satisfy a set of at least one audience characteristics,
- (b) said characteristics stated as a set of offer conditions by said advertiser,
- (c) said amount of money being a specified expected value (EV), said EV being instantly visible as mathematically equivalent to cash,
- (d) determining acceptance of the offer by a recipient, said acceptance entailing attention to said message,
- (e) said EV being paid via an EV payment bet including a Payoff,
- (f) executing said EV payment bet for said recipient with the probability of said recipient winning set at EV/Payoff,
- (g) if, and only if, said recipient wins said bet, alerting an inspection process for determining whether said recipient satisfies said offer conditions,
- (h) based on a positive determination by said inspection process, providing the Payoff to said recipient.

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Discussion of Wendkos

Wendkos, et al. U.S. Patent No. 6,453,299 was relied upon in the rejection of the cancelled claims. I will discuss differences between my claimed invention and Wendkos.

Wendkos does teach registering promotional awards to a caller (see claims 34-45). And these awards can include instant wins "based on a random or algorithmic selection of callers" (see abstract and col. 11 line 3 to col. 12 line 10).

However, the object of Wendkos is entirely different from my invention, as stated in the title of Wendkos, "Method for Customizing Queries," and in the Claims (see col. 17 line 20) "A computer-implemented method of changing interaction with a caller who calls a telephone number as part of a promotional awards program, comprising the steps of..."

As stated in his Prior Art and Summary Sections (see col 2. lines 10-32), the invention is for facilitating award and incentive redemptions, for making coupon and sweepstakes administration easier. And in the abstract: "A computer system awards promotional incentives. A participant calls or connects to a platform for registering and redeeming credits preferably described in uniquely identified certificates."

Wendkos "is directed to a method of awarding promotional incentives to a purchaser in which a call is received from a purchaser, a certificate number is entered by the purchaser and the award credits are incremented, based on the certificate number" (see col. 3 lines 35-39).

Further, Wendkos uses profiles and customer data to control the interaction as stated in col. 3 line 33 and col. 12 lines 15-16.

My claimed method does not use certificate numbers or caller profiles because, unlike Wendkos, it is not intended to be a coupon redemption system.

In my method, a potential recipient of EV payment is exposed to a message, then given an EV payment, and then, after the fact, the recipient is probabilistically inspected to see if s/he satisfies the conditions of the offer.

The object my invention is to combine efficient, probabilistic payment and efficient, probabilistic inspection, to enable an advertiser to *practically* pay a *desired audience* for *attention* to a *specified sales/ad message*.

Other specific differences between Wendkos and my claimed method include:

1. Wendkos does not teach the making of a payment offer by an advertiser.
2. Wendkos does not teach the making of a payment offer for attention to a specified message.
3. Wendkos does not teach enabling an advertiser to specify a set of audience characteristics, such that only people who satisfy those characteristics will be paid for paying attention to a message.

4. Wendkos does not teach registering acceptance of a payment offer by exposure – by a recipient paying attention – to a specified message.
5. Wendkos does not teach enabling an advertiser to set an expected value to be paid to desired audience members.
6. Wendkos does not teach utilizing expected value payment, which instantly tells a recipient the cash value of a probabilistic payment offer, and which is very different from simple random selection of instant winners.
7. Where Wendkos uses probability, for instance, in col. 11 lines 3-16, there is no EV stated and no EV advertised (there are no matches in Wendkos if one searches the patent for the terms “expected value” and “EV”).
8. Wendkos does not teach setting the probability of a recipient winning a Payoff at EV/Payoff.
9. Wendkos does not teach inspecting the characteristics of recipients to see if those characteristics satisfy the conditions set by an advertiser making a payment offer.
10. Wendkos does not teach inspecting the characteristics of an audience probabilistically.
11. Wendkos does not teach the use of EV payment for the combined purposes of efficient payment AND efficient inspection/verification of a recipient.

Discussion of Goldhaber

Goldhaber et al. U.S. Patent No. 5,855,008 was noted but not relied upon in the office action of 10/28/02. Let me make one comment about Goldhaber.

Goldhaber enables the brokering of personal data – profiles – to advertisers (see claim 1, col. 21 lines 25-32). The selling of profile data is the object of Goldhaber. My claimed method does not employ the selling of profile data collected from ad recipients.

Thank you for your consideration to my application.

Sincerely,





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CERTIFICATE OF MAILING

Re: Application 09/536,727

Dear Commissioner of Patents:

Please note, for the purposes of granting my enclosed Response to an Office Action, that I have deposited the Response with the US Mail on January 28, 2003.

Sincerely,

Michael Rossides

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